



DEPARTMENT OF THE ARMY  
SAVANNAH DISTRICT, CORPS OF ENGINEERS  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3640

February 6, 2018

Office of Counsel

Regional Freedom of Information Officer  
U.S. EPA, Region 4  
AFC Bldg, 61 Forsyth Street., S.W., 9th Flr (4PM/IF)  
Atlanta, GA 30303-8960

RE: Freedom of Information Request No. FP-18-07788, Thad Padgett

Dear FOIA Officer:

This letter concerns the enclosed Freedom of Information Request (FOIA) request from Mr. Thad Padgett, Mitigation Management, dated January 11, 2018. This FOIA request relates to the proposed Washington Branch Mitigation Bank (SAS-2016-00808).

In reviewing the responsive records, a portion of one email was identified as originating with U.S. EPA Region 4, Ocean, Wetlands & Streams Protection Branch. Because this portion of the email originated within your agency, it is being referred to your agency for a release determination and direct response to the requester.

We have notified Mr. Padgett of this partial referral and informed him that you will respond directly to him concerning this portion. Should you have questions regarding this referral, you may contact me directly at 912-652-5769 or [kerry.p.dodd@uasace.army.mil](mailto:kerry.p.dodd@uasace.army.mil).

Sincerely,

A handwritten signature in blue ink, reading "Kerry P. Dodd", is positioned above the typed name.

Kerry P. Dodd  
Freedom of Information  
Act Officer

3 Enclosures

1. FOIA Request FP-18-07788
2. Referred Email-Original without redactions
3. Referred Email-Response to Requestor

January 11, 2018

Sent Via [Email: kerry.p.dodd@usace.army.mil](mailto:kerry.p.dodd@usace.army.mil)

Ms. Kerry Dodd  
FOIA Officer, Office of Counsel  
U.S. Army Corps of Engineers, Savannah District  
P.O. Box 889  
Savannah, GA 31402-0889

Ms. Dodd:

The purpose of this letter is to file a formal request for documents pursuant to the Freedom of Information Act.

I formally request a copy of any Draft Prospectus, Prospectus, Banking Instrument, or Response to Comments submitted by the project applicant to the Corps regarding the proposed Washington Branch Mitigation Bank (SAS-2016-00808). I am also requesting:

- Any letters sent from the Corps to the project sponsor concerning this project
- Any IRT comments sent from an IRT agency to the Corps concerning this project
- Any email correspondence between the Corps and the project sponsor concerning this project

We would appreciate this information being provided in an electronic format. I am willing to pay up to \$500 in fees for this request.

Thank you for your consideration of this request.

Sincerely,

Thad Padgett  
Mitigation Management, LLC  
(706) 540-2155  
[thad@mitigationcredits.com](mailto:thad@mitigationcredits.com)

**Mailing Address for this request:**  
1551 Jennings Mill Road  
Suite 1800-B  
Watkinsville, GA 30677

**From:** [Somerville, Eric](#)  
**To:** [White, Adam F CTV USARMY CESAS \(US\)](#); [Stephen.Wiedl@dnr.state.ga.us](#); [melissa.letosky@dnr.ga.gov](#); [Goodloe, Robin](#)  
**Cc:** [Thames, Kevin D CTV USARMY CESAS \(US\)](#); [Hammonds, Justin A CTV USARMY CESAS \(US\)](#)  
**Subject:** [EXTERNAL] EPA comments- Proposed Washington Branch MB Baseline Data Collection Plan (SAS-2016-00808)  
**Date:** Monday, March 20, 2017 12:00:04 PM

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Greetings Adam-

In all seriousness, I cannot in good faith encourage the proposed Sponsor to pursue this site. There seems to be only a marginal improvement in site conditions possible under the best of circumstances, and his proposed mitigation treatment consists of little more than planting vegetation, as far as I recall. Not only is there reportedly an existing robust vegetative community surrounding the treatment area like a donut (i.e. ample seed sources), the existing soils and hydrological conditions on the site do not appear favorable for it to develop into a robust self-sustaining wetland. Hydrology in particular seems to rely overwhelmingly on rainfall, and existing soils do not appear to be hydric to begin with.

Quite honestly, I have a difficult time endorsing vegetative enhancement as the primary mitigation treatment on any site, especially when there are ample native seed sources nearby. It seems to provide no ecologic benefit if, for example, a bottomland is cleared under 404(f) exemptions, and then that site is proposed as a mitigation site a year, two years, five years later just by replanting it. This is not at all the scenario that I am alleging has happened on the Washington Branch MB site. I use it simply as a general example of how vegetative enhancement feels like a disingenuous mitigation treatment, in and of itself. Quite frankly, the Washington Branch site seems to have a few greater concerns related to soils and hydrology.

The preponderance of this site is mapped as Chewacla soils by NRCS, as the proposed Sponsor indicates. Chewacla soils are Fluvaquentic Dystrudepts that are only rarely hydric. Chewacla soils have a fluvaquentic subgroup indicating that while these soils formed in floodplains, they are not typically saturated to the soil surface. Instead, saturation is at depths greater than 20 inches. Thus, many soils with only an aquic subgroup (as opposed to an aquic suborder) have a very low probability of being hydric soils. Careful monitoring of soil saturation in the early Spring timeframe is very important when assessing Chewacla soils for potential wetland mitigation efforts.

The probability for flooding on Chewacla soil ranges from 5% to 50% annually between the months of December to March, but for generally brief durations of 2 to 7 days (USDA Web Soil Survey). Thus, prolonged soil saturation due to flooding is not very likely, even in the best of circumstances. This would be made even more unlikely if the stream channel is deeply incised or if there are impoundments upstream of the site that would affect storm flow in the stream. I am uncertain whether there is a gauging station on the Little River that could provide some input here, but I believe that if the Sponsor genuinely chooses to continue pursuing this site (a legitimate question based on what information I have about this site), he would be best served to conduct close analysis of flow conditions in the Little River and also establish a stream gauging station of his own to document near-site conditions. In fact, a comprehensive site water budget is likely in order.

Additional comments on the above referenced baseline data collection plan:

1. On sites with uncertain soils and/or site hydrology, such as the proposed Washington Branch MB, verification (i.e. mapping) of soil conditions on-site is of paramount importance to help ascertain the validity of proposed mitigation measures, justify placement of shallow groundwater observation wells and other site monitoring elements, and ultimately enable some informed judgement on the efficacy of wetland enhancement or restoration efforts. On-site soil mapping must be undertaken by a Georgia licensed soil scientist following accepted soil mapping protocols. I believe such an exercise is warranted on this site if the Corps and the IRT are to consider it further.

2. It is critical that all IRIS tube arrays and shallow monitoring wells be placed in representative locations on the site, and NOT in depressions. In fact, all IRIS tube arrays and shallow groundwater monitoring wells must be surveyed together to identify relative ground surface (and water table) elevations. Any surface water monitoring elements (i.e. Little River, unnamed trib on the south side, etc.) should also be surveyed to the same relative

benchmark.

3. re: Figure 3 - There is no north arrow on any of these figures, so for the following, I am assuming that north is towards the top of the page:

- i) Recommend a new transect with at least two monitoring wells in the preservation area north of well transect 5-4-3.
- ii) Recommend an additional well should be placed west of transect 9-8-7-6-11 (south of well 10).
- iii) Recommend an additional well should be placed west and east end of transect 15-14-13.
- iv) Recommend an additional new transect with at least three wells in the preservation area south of transect 15-14-13, with the western-most well lying south of well 14.

4. EPA does not believe that a minimum regulatory hydrology criterion (i.e. 14 days) should be the target for wetland mitigation sites. The goal should not be to reach some minimum standard, but rather to replicate the optimum hydrological standard for targeted wetland types and associated functions.

Finally, I note that while the Sponsor has provided the subject Baseline Collection Plan, ostensibly for the Corps and the IRT to review and provide comment on, Section 7.1.4.4 of the Plan indicates that he installed nearly 75% of the monitoring wells four month before the date of this Plan. Would it not be best if the agencies approved a baseline data collection plan before baseline data is actually collected?

Let me know if you would like to discuss anything.

-Eric

Eric Somerville  
U.S. EPA Region 4 | Ocean, Wetlands & Streams Protection Branch  
c/o SESD (F120-6) | 980 College Station Road | Athens, GA 30605-2720  
tel 706.355.8514 | somerville.eric@epa.gov

-----Original Message-----

From: White, Adam F CIV USARMY CESAS (US) [<mailto:Adam.F.White@usace.army.mil>]  
Sent: Friday, March 17, 2017 12:30 PM  
To: Stephen.Wiedl@dnr.state.ga.us; melissa.letosky@dnr.ga.gov; eric\_prowell@fws.gov; Monroe, Ashley <Monroe.Ashley@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Goodloe, Robin <robin\_goodloe@fws.gov>  
Cc: Greg Smith <gsmith@corblu.com>; Thames, Kevin D CIV USARMY CESAS (US) <Kevin.D.Thames@usace.army.mil>; Hammonds, Justin A CIV USARMY CESAS (US) <Justin.A.Hammonds@usace.army.mil>  
Subject: Proposed Washington Branch Mitigation Bank, Wilkes County, GA (SAS-2016-00808)

Dear IRT:

We are presently in receipt of a draft baseline data collection plan for the above, proposed commercial mitigation bank, originally discussed at the 13 SEP 2016, bimonthly IRT meeting.

Once you have had an opportunity to review the attached supplemental documentation, please direct your questions/comments/recommendations to me at your soonest opportunity.

The Sponsor has also suggested that the IRT have another opportunity to walk the project site. If you have interest, either before or after providing any comments, please let me know your preference.

In addition, if your agency will not be participating in any future review of the project, please update me as well.

Many thanks,

Adam

**From:** [Somerville, Eric](#)  
**To:** [White, Adam F CIV USARMY CESAS \(US\)](#); [Stephen.Wiedl@dnr.state.ga.us](#); [melissa.letosky@dnr.ga.gov](#); [Goodloe, Robin](#)  
**Cc:** [Thames, Kevin D CIV USARMY CESAS \(US\)](#); [Hammonds, Justin A CIV USARMY CESAS \(US\)](#)  
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REFERRED TO EPA REGION IV



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-Eric

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U.S. EPA Region 4 | Ocean, Wetlands & Streams Protection Branch  
c/o SESD (F 120-6) | 980 College Station Road | Athens, GA 30605-2720  
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<Monroe.Ashley@epa.gov>; Somerville, Eric <Somerville.Eric@epa.gov>; Goodloe, Robin  
<robin\_goodloe@fws.gov>  
Cc: Greg Smith <gsmith@corblu.com>; Thames, Kevin D CIV USARMY CESAS (US)  
<Kevin.D.Thames@usace.army.mil>; Hammonds, Justin A CIV USARMY CESAS (US)  
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